

# **EXHIBIT 1**

2009-76816 / Court: 133

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Loren Jackson - District Clerk  
Harris County  
ED101J015591804  
By: Sharon Carlton

NO. \_\_\_\_\_

JOHN DANIEL	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
UNIVERSAL ENSCO, INC.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, John Daniel ("Daniel" or "Plaintiff"), and files his Original Petition complaining of Universal Ensco, Inc. ("Universal" or "Defendant"), and for cause therefore would show the Court as follows:

**I. DISCOVERY LEVEL**

1. Plaintiff intends to conduct discovery under Level II of the Texas Rules of Civil Procedure 190.

**II. PARTIES**

2. Plaintiff John Daniel is an individual residing in Fremont County, California.

3. Defendant Universal Ensco, Inc. is a local corporation with its principal office located at 4848 Loop Central Drive, Houston, Harris County, Texas 77081. The Defendant may be served with process by its registered agent for service of process, CT Corporation System, 350 North St. Paul Street, Dallas, Texas 75201.

**III. JURISDICTION**

4. This Court has subject matter jurisdiction as the amount in controversy exceeds the minimum jurisdictional limits of this Court.

#### **IV. VENUE**

5. Venue is proper in Harris County, Texas. Specifically, all or a substantial part of the events giving rise to the claim occurred in Harris County, Texas.

#### **V. FACTUAL BACKGROUND**

6. Plaintiff began working for Defendant on July 3, 2008, and was terminated on February 13, 2009.

7. Plaintiff began working for Defendant as a Lead Mechanical Engineer.

8. Plaintiff performed his job in a good and workman-like manner and was a loyal employee of the company.

9. Plaintiff had been commended on his work on numerous occasions.

10. However, on December 17, 2008, Mr. Pano Zhonga, Vice President and Director of the Facility Group, gave Daniel a performance evaluation that was wrong and in actuality a pretext for discrimination. The review gave Daniel a rating of "3" out of a possible 10.

11. Daniel was extremely dissatisfied with his rating and performance review due to the fact that he had completed an assigned project in a relatively short period of time. All of this was accomplished in spite of the fact that management denied Daniel appropriate resources and personnel.

12. In fact, the client of the company had praised Daniel's work that he had performed on the project.

13. Daniel determined that he was being discriminated against on numerous illegal bases, including his age, 65 at the time.

14. Plaintiff would show the Court that he was also illegally discriminated against by his employer because of his national origin, Iranian, and because of his religion, Muslim, in violation of Title VII of the Civil Rights Act of 1964, as amended.

15. On January 9 and February 2, 2009 Plaintiff sent specific complaints to Human Resources of the company concerning Zhonga and Mr. John Andrus. In those complaints, Plaintiff provided documentation evidencing the actions of Zhonga and Andrus and statements made by them were false. Further, he explained these individuals were acting in a conspiracy against him by creating false accusations against him.

16. On February 13, 2009, Plaintiff was terminated by a Human Resources representative without being given any reason for his termination.

17. Plaintiff would show the Court that because of his complaints and resistance to the discriminatory acts of the Defendant's company that he was illegally retaliated against for opposing these unlawful employment actions.

18. Plaintiff would show that the Defendant is a company employing more than five hundred employees.

19. Plaintiff has performed all conditions precedent and necessary to the filing of this suit.

20. By virtue of the illegal conduct of the Defendant, Plaintiff has sustained damages in excess of the minimum jurisdictional limits of this Court.

21. Further, such conduct on the part of the Defendants is of the type and nature that permits the award of punitive or exemplary damages to punish the Defendant and deter such conduct

on the part of others. Plaintiff requests that the finder of fact award damages in an amount found appropriate for the illegal conduct of the Defendant company.

## VI. CAUSES OF ACTION

### **Count 1 - Violation of Texas Labor Code Section 21.051, et seq.**

22. Plaintiff adopts the factual allegations herein above as if repeated verbatim herein.

23. Plaintiff Daniel brings this suit against Universal for damages sustained as a result of its willful violation of the Texas Commissioner and Human Rights Act §21.051, *et seq* of the Texas Labor Code (the "Act").

24. Plaintiff Daniel is an adult male over the age of 40 years. His religion is Muslim. He is foreign national having been born in the country of Iran.

25. Defendant has illegally discriminated against Plaintiff on the basis of his religion, nationality and age. Further, Defendant retaliated against Plaintiff and terminated him for his complaints concerning their illegal discrimination.

26. Such conduct by the Defendant constitutes illegal discrimination under the Texas Labor Code §21.051 and violation of Texas Labor Code §21.055 for its illegal retaliation for imposing an illegal discriminatory practice. The Defendant violated Plaintiff's rights for objecting to the illegal discrimination and retaliation.

27. Pursuant to the Act, Plaintiff seeks an award of compensatory damages for back pay and interest on back pay, the value of the past and future fringe benefits, as well as damages for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and non-pecuniary losses.

28. Plaintiff would show that a motivating factor in his discharge was the complaining of violations of the Act.

29. Plaintiff requests that he be awarded punitive damages. The conduct of the Defendant or Defendant's agents and vice-principals were performed with reckless indifference or malice to his state protected rights under the Act.

30. Plaintiff requests that he be awarded all expert fees in accordance with the Act.

31. It was necessary for Plaintiff to employ the undersigned attorney to protect his legal rights and Plaintiff has agreed to pay his attorney a reasonable attorney fee for services rendered in this matter. Plaintiff requests that his attorney be awarded reasonable and necessary attorneys fees for the prosecution and trial of this matter and contingent fees for any post-judgment work and any subsequent appeal.

#### **VII. JURY DEMAND**

32. Plaintiff demands a jury trial on all issues.

#### **VIII. RULE 194 DISCLOSURES**

33. Defendant is requested to disclose within fifty-one (51) days of service of this request the information or material described in Texas Rule of Civil Procedure 194.2(a) - (k).

#### **IX. PRAYER**

34. Plaintiff John Daniel respectfully requests that Universal Ensco, Inc. be cited to appear and answer herein and, upon final trial, that Plaintiff have judgment against the Defendant for actual and punitive damages, including expert fees and reasonable attorney fees, including post-judgment work and contingent awards for any appeal, pre-judgment and post-judgment interest, and

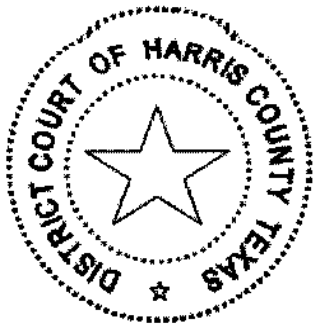
for such other and further relief, both equitable and legal, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

By: /s/ Glenn W. Patterson, Jr.  
Glenn W. Patterson, Jr.  
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**ATTORNEY FOR PLAINTIFF JOHN DANIEL**





I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this December 30, 2009

Certified Document Number: 43979982 Total Pages: 7

LOREN JACKSON, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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